REMARKS

I. Status Summary

Claims 1-28 are pending in the present application. No claims are added, and no claims are canceled. Therefore, upon entry of this amendment, claims 1-28 remain pending.

Claims 1-28 have been rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claims 1-4, 7-16, and 19-28 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent App. Pub. No. 2002/0147620 to Walsh (hereinafter referred to as "Walsh"). Claims 5, 6, 17, and 18 have been rejected under the 35 U.S.C. §103(a) as allegedly being unpatentable over Walsh.

Reconsideration of the application as amended herein in view of the remarks set forth herein below is respectfully requested.

II. Summary of and Response to Telephone Examiner Interview

Applicant's representatives, Gregory A. Hunt and Wesley A. Sheffield, conducted a telephone interview with the patent examiner on May 8, 2007. In the telephone interview, applicant's representatives agreed, at the examiner's request, to determine whether or not SAS Institute of Cary, North Carolina (Hereinafter, "SAS") had any role in developing the invention and whether any SAS institute software was used in developing the invention.

Applicant's representative, Gregory A. Hunt, spoke with the inventor, Angela M. Hall (hereinafter, "Ms. Hall"), by telephone on August 6, 2007. In the telephone conversation,

Ms. Hall indicated that SAS had no role in the development of the invention. With regard to SAS software used in developing the invention, Ms. Hall indicated that "Base SAS" was the software used to develop the invention. Ms. Hall indicated that Base SAS is basic statistical analysis software available from SAS, and that any statistical analysis software could be used to implement the invention.

In the telephone interview, applicant's representatives argued that the claims are patentable subject matter under 35 U.S.C § 101, because the generation of user-specific industry standards computer code constitutes a useful, concrete and tangible result analogous to the generated financial data held to be statutory under 35 U.S.C § 101 in *State Street Bank & Trust v. Signature Financial Group, 149 F.3d 1368 (Fed Cir. 1998), 47 USPQ2d 1596* (hereinafter, "State Street"). The examiner tentatively agreed with applicant's position and suggested that this argument be made formally in the applicant's response for full consideration.

III. Response to the Objections to Specification

The specification has been objected to as containing informalities. Specifically, the disclosure has been objected to for containing an embedded hyperlink, text on a shaded background, and more than a single column of text.

The specification has been amended herein to eliminate the hyperlink located on page 6. The shaded portions of Tables 1 and 2 located on pages 9 and 16, respectively, have been removed, and portions of the specification located on pages 9 and 10 have been amended herein to remove reference to "shaded" portions of the tables. Dual column

text located on pages 13 and 18 has been replaced by Tables 2 and 4, respectively, and former Table 2 has been renumbered as Table 3.

IV. Response to the 35 U.S.C. § 101 Rejection of Claims 1-28

Claims 1-28 presently stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This .rejection is respectfully traversed

Independent claims 1, 13, and 24 recite a system, method, and computer program product for automatically generating user-specific industry standards reporting rules application computer code for industry standards report generation. Each independent claim recites automatically generating user-specific industry standard rules application computer code from core industry standards rules computer code using a user-data-to-metric-data mapping data structure that contains end-user-modifiable fields. The automatic generation of end-user-specific industry standards rules application computer code avoids the need for customized programming for each end user seeking to generate customized industry standards rules compliance reporting software.

The automatic generating of user-specific industry standards rules computer code is a useful, concrete, and tangible result under *State Street Bank & Trust v. Signature Financial Group, 149 F.3d 1368 (Fed Cir. 1998), 47 USPQ2d 1596* (hereinafter, "State Street"). In State Street, the court held that "the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces 'a useful, concrete and tangible result' -- a final share price

momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades." *State Street Bank & Trust v. Signature Financial Group, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed Cir. 1998)*. Similarly, the claimed automatic generation of user-specific industry standards rules computer code from core industry standards computer code is a tangible and useful result – i.e. a customized computer program customized for a particular user to comply with industry standards rules. Because each of independent claims 1, 13, and 24 recite the generation of user-specific industry standards rules computer code, which constitutes a useful result under State Street, the claims recite statutory subject matter under 35 U.S.C. §101.

Claims 2-12, 14-24, and 26-28 depend from claims 1, 13, and 24, respectively, and incorporate the subject matter contained therein. Therefore, for the reasons stated above with respect to claims 1, 13, and 24, the rejection of claims 2-12, 14-23, and 26-28 should be withdrawn.

V.   Response to the Rejection of Claims 1-4, 7-16, and 19-28 as anticipated by Walsh

Claims 1-4, 7-16, and 19-28 stand rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent Application Publication No. 2002/0147620 to Walsh (hereinafter, "Walsh"). This rejection is respectfully traversed

Independent claims 1, 13, and 24 respectively recite a system, a method, and a computer program product for automatically generating user-specific industry standard rules application computer code from core industry standards rules computer code that is

based on core industry standards reporting rules. For example, claim 1 recites a translator that translates computer code based on core industry standards reporting rules into user-specific industry standards rules application computer code for applying the core industry standards reporting rules to user-specific data. In other words, claim 1 recites the automatic generation of computer code that is customized for application to a particular user's data.

There is absolutely no disclosure, teaching, or suggestion in Walsh of automatically generating user-specific industry standards rules application computer code that is customized for application to user-specific data. Walsh discloses a software quality assurance (SQA) management system where users enter data using templates, the data is stored in a centralized database, and the data is retrieved from the database to generate reports. There is no mention in Walsh of the automatic generation of any computer code, not to mention industry standards rules application computer code for applying industry standards reporting rules to user-specific data. Thus, for this reason alone, the rejection of the claims as anticipated by Walsh should be reversed.

On page 7, the Official Action indicates that paragraphs [0039], [0044]-[0049] and [0056] of Walsh disclose the translation of the computer code in the core rules engine to user-specific industry standards rules application computer code. Applicant disagrees. Paragraph [0039] of Walsh indicates that content generator **30** dynamically generates content, i.e., reports, from database stored in database component **32**. The dynamic generation of reports fails to disclose or render obvious the dynamic generation of computer code as claimed because the reports in Walsh are user data and not computer

code.[

Paragraphs [0044]-[0049] of <u>Walsh</u> similarly fail to disclose the automatic generation of industry standards rules application computer code as claimed. Rather, these paragraphs recite steps taken by an operator to enter data into templates. The templates are disclosed in paragraph [0045] of <u>Walsh</u> as being forms. Thus, rather than disclosing the automatic generation of user-specific industry standards rules application computer code, paragraphs [0044]-[0049] disclose a template-based data entry system.

Paragraph [0056] of <u>Walsh</u> indicates that once all planned activities have been completed, project summary reports are generated. As stated above, the generation of reports disclosed in <u>Walsh</u> fails to disclose or render obvious automatically generating user-specific computer code because the reports in <u>Walsh</u> contain user data, rather than computer code.

Thus, for these additional reasons, the rejection of the claims as anticipated by <u>Walsh</u> should be withdrawn.

VI.   Response to Rejection of Claims 5, 6, 17, and 18 as Unpatentable over
Walsh in View of Applicant Admitted Prior Art

Claims 5, 6, 17 and 18 presently stand rejected under the provisions of 35 U.S.C. § 103(a) as being allegedly obvious over <u>Walsh</u> in view of applicant's admitted prior art. This rejection is respectfully traversed.

For the reasons stated above with respect to the rejection of claims 1 and 13, from which claims 5, 6 and 17, 18 respectively depend, it is respectfully submitted that there is no teaching or suggestion in <u>Walsh</u> of automatically generating user-specific industry

standards-based rules application computer code. The sections of applicant's specification referred to in the Official Action as Admitted Prior Art likewise fails to teach or suggest the automatic generation of such computer code. The sections of applicant's specification referred to in the Official Action indicate that industry standards reporting rules are known in various industries. However, there is no mention that automatic generation of computer code for implementing those rules is know in any of the enumerated industries.

Accordingly, for the reasons set forth above the rejection of claims 5, 6, 17 and 18 as unpatentable over <u>Walsh</u> should be withdrawn.

VI.   Conclusion

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and such action is earnestly solicited.

If any minor issues should remain outstanding after the Examiner has had an opportunity to study the Amendment and Remarks, it is respectfully requested that the Examiner telephone the undersigned attorney so that all such matters may be resolved and the application placed in condition for allowance without the necessity for another Action and/or Amendment.

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The Commissioner is hereby authorized to charge any other fees or credit any overpayment associated with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

JENKINS, WILSON, TAYLOR, & HUNT, P.A.

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